



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,191	05/03/2001	Rosendorf Charles Hillel	1597-1070	6501

7590 10/13/2004

Mitchell P. Novick, Esq.  
Law Offices of Mitchell P. Novick  
66 Park Street  
Montclair, NJ 07042

EXAMINER
----------

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/848,191

Applicant(s)

ROSENDORF

Examiner

Steven R. Wasylchak

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Abstract is greater than 150 words. Correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips et al. (US 6,792,399) and official notice.

**CLAIMS:**

1.A method for analyzing financial data, the method comprising the steps of:

obtaining a plurality of data points related to a security,/col 1, L15-48; col 12,L54 to col 13, L20

each data point comprises associated data regarding the security;/ abstract: cluster analysis; fig 8,10

designating one of the data points as a reference data point;fig 5A,B; fig 8

choosing one of the data points as a chosen data point, not

using an arithmetical pattern; and/ fig 5A,B; fig 8

examining the data of the chosen data point with the data of

Art Unit: 3624

the reference data point, thereby producing a data analysis./ abstract; fig 5A,B; fig 8; col 12,L54 to col 13, L20

2.The method as described in claim 1, wherein the chosen data point further comprises a plurality of chosen individual data points./abstract

3. The method as described in claim 2, further comprising the step of ordering the chosen individual data points according to an ordering function prior to the examining step, thereby producing an ordered series and an ordered position corresponding to each chosen individual data point./abstract; col 12,L54 to col 13, L20;

4. The method as described in claim 3, further comprising the step of reporting the data analysis.

5. The method as described in claim 4, wherein the reporting step comprises displaying the data analysis on a video display means./fig 10(166)

6. The method as described in claim 5, wherein the displaying step further includes the step of formatting the data analysis in a format chosen from the group consisting of a table, a spreadsheet export file, or a graph./fig 5A-10

7. Philips discloses percent./col 6, L44-49. However, Philips does not explicitly disclose percentage change: wherein the examining step comprises utilizing a comparison expressed

by the equation

$$((TOPoint-FROMPoint)/FROMPoint)*100 = +/- \%,$$

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen

individual data points, and each ordered position corresponding to Topoint follows in the ordered series the ordered position corresponding to EROMPoint.

Official notice is taken that this feature is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of comparing changes in data over the dependent variable(s) for a robust mathematical analysis.

8. Philips discloses percent./col 6, L44-49. However, Philips does not explicitly disclose the examining step comprises utilizing a comparison expressed by the equation  $((TOPoint-FROMPoint)/EROoint)*100 = +/- \%$ ,

wherein "Topoint" is the reference point and "FROMPoint" is each of the chosen individual data points, and each ordered position corresponding to Topoint follows in the ordered series the ordered position corresponding to FROMPoint.

Official notice is taken that this feature of percentage change is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of comparing changes in data over the dependent variable(s) for a robust mathematical analysis.

9. The method as described in claim 3, wherein the reference point further comprises a plurality of reference individual data points, there being a one-to-one correspondence between the reference individual data points and the chosen individual data points./abstract(cluster analysis)/ abstract; col 12,L54 to col 13,

Art Unit: 3624

10. The method as described in claim 9, wherein the examining step comprises utilizing a comparison expressed by the equation

$$((\text{TOPoint}-\text{FROMPoint})/\text{FROMPoint}) * 100 = +/- \%$$

wherein each pair of "FRoMpoint" and "TOPoint" are each corresponding reference individual data point and chosen individual data point./refer to claim 8

11. The method as described in claim 9, wherein the examining step comprises utilizing a comparison expressed by the equation

$$((\text{FROMPoint}-\text{TOPoint})/\text{TOPoint}) * 100 = +/- \%$$

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference individual data point and chosen individual data point./abstract, refer to claim 8/

12. The method as described in claim 3, wherein the ordering function comprises date order and each data point comprises the value of the security at a specific date./fig 6-10

13. The method as described in claim 3, wherein the ordering function comprises date-and-time order and each data point comprises a value of the security at a specific date and time./fig 6-10

14. The method as described in claim 3, further comprising the step of exporting the data analysis to a second method of analyzing financial data./refer to claim 1

15. A system for analyzing financial data, the system comprising:  
a means for obtaining a plurality of data points related to a security, each data point comprising associated data regarding the security;

Art Unit: 3624

a means for designating one of the data points as a reference data point;

a means for choosing one of the data points as a chosen data point, not using an arithmetical pattern;

a means for examining the data corresponding to the reference data point with the data corresponding to the chosen data point, thereby producing a data analysis./ refer all to claim 1

16. The system as described in claim 15, wherein the chosen data point further comprises a plurality of chosen individual data points./ claim 2

17. The system as described in claim 16, wherein the examining means comprises a means for ordering the chosen data points according to an ordering function, thereby producing an ordered series and an ordered position corresponding to each chosen individual data point./ refer to claim 3

18. The system as described in claim 17, further comprising a reporting means to report the data analysis./ refer to claim 4,5

19. The system as described in claim 18, wherein the reporting means comprises a means to display the data analysis in a format chosen from the group consisting of a table, a spreadsheet export file, or a graph./ refer to claim 6

20. The system as described in claim 17, wherein the examining means a means for performing a comparison expressed by the equation

$$\frac{\text{TOPoint} - \text{FROMPoint}}{\text{FROMPoint}} * 100 = \pm \%,$$

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen

Art Unit: 3624

individual data points, and each ordered position corresponding to Topoint follows in the ordered series the ordered position corresponding to FROMPoint./ refer to claim 7

21. The system as described in claim 17, wherein the examining means further comprises a means for performing a comparison expressed by the equation 
$$\frac{\text{TOPoint}-\text{FROMPoint}}{\text{FROMPoint}}*100 = +/- \%$$
,

wherein "Topoint" is the reference point and "FROMPoint" is each of the chosen individual data points, and each ordered position corresponding to Topoint follows in the ordered series the ordered position corresponding to FROMPoint./refer to claim 7

22. The system as described in claim 17, wherein the reference point further comprises a plurality of reference individual data points, there being a one-to-one correspondence between the reference individual data points and the chosen individual data points./ refer to claim 9

23. The system as described in claim 22, wherein the examining means further comprises a means for performing a comparison expressed by the equation 
$$\frac{(\text{TOPoint}-\text{FROMPoint})}{\text{FROMPoint}}*100 = +/- \%$$

wherein each pair of "EROMPoint" and "TOPoint" are each corresponding reference individual data point and chosen individual data point./refer to claim 10

24. The system as described in claim 22, wherein the examining means further comprises a means for performing a comparison expressed by the equation 
$$\frac{(\text{FROMPoint}-\text{TOPoint})}{\text{TOPoint}}*100 = +/- \%$$



Art Unit: 3624

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference individual data point and chosen individual data point./refer to claim 11

25. The system as described in claim 17, wherein the ordering function comprises date order and each data point comprises a value of the security on a specific date./refer to claim 12

26. The system as described in claim 17, wherein the ordering function comprises date-and-time order and each data point comprises a value of the security at a specific date and time./refer to claim 16

27. The system as described in claim 17, further comprising a means for exporting the data analysis to a second means of analyzing financial data./refer to claim 14

28. A method for analyzing data of a category, the system comprising the steps of:

obtaining a plurality of data points related to the category,

each data point comprises associated data regarding the category;

designating one of the data points as a reference data point;

choosing one of the data points as a chosen data point, not

using an arithmetical pattern;

examining the data corresponding to the reference data point

with the data corresponding to the chosen data point: thereby producing a data analysis./ refer to claim 1

29. The method as described in claim 28, wherein the chosen data point further comprises a plurality of chosen individual data points./claim 2

Art Unit: 3624

30. The method as described in claim 29, further comprising the step of ordering the chosen data points prior to the examining step./refer to claim 3

31. The method as described in claim 30, further comprising the step of reporting the data analysis./ refer to claim 4

32. The method as described in claim 29, wherein the category finance./ refer to claim 1

33. The method as described in claim 32, wherein the associated data is chosen from the group consisting of sales data, inventory data, cost data, margin data, income tax data, depreciation data, and amortization data./refer to claim 1

34. A system for analyzing data of

category, the system comprising:

a means for obtaining a plurality of data points related to the

category, each data point comprises associated data regarding the category;

a means for designating one of the data points as a reference data point;

a means for choosing one of the data points as a chosen data point, not using an arithmetical pattern;

a means for examining the data corresponding to the reference data point with the data corresponding to the chosen data point, thereby producing a data analysis./refer to claim 28

35. The system as described in claim 34, wherein the chosen data point further comprises a plurality of chosen individual data points./ refer to claim 29

Art Unit: 3624

36. The system as described in claim 35, wherein the examining means comprises a means for ordering the chosen data points prior to examining the data./ refer to claim 30

37. The system as described in claim 36, further comprising a reporting means to report the data analysis./refer to claim 31

38. The system as described in claim 35, wherein the category comprises finance./ refer to claim 32

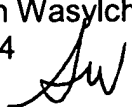
39. The system as described in claim 38, wherein the associated data is chosen from the group consisting of sales data, inventory data, cost data, margin data, income tax data, depreciation data, and amortization data./ refer to claim 33

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak  
9/28/04



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

